

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9095 of 2023

Petitioner :- Abdul Rajjak

Respondent :- State Of U.P. Thru. Secy. Home Deptt. Lko. And 3 Others

Counsel for Petitioner :- Gulam Mustafa

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 11.11.2023, vide case crime no. 423 of 2023 under Section 376, 147, 323, 504 I.P.C., lodged at Police Station- Bangarmau, District- Unnao as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no 3 not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned F.I.R. The opposite party no. 4 at the behest of her parents/family members lodged false F.I.R. against the petitioner. It has been stated that even if whatever has been stated in the F.I.R. is treated to true then it can be a case of consensual sex and not of rape.

The Court having perused the impugned F.I.R. finds that cognizable offence is made out against the petitioner. Whether or not the sexual relation was consensual in nature can only be decided by evaluation of evidence by the trial court concerned. Therefore, this Court also finds no ground to show interference.

The writ petition is, accordingly, **dismissed**.

Order Date :- 29.11.2023

Anuj Singh